

Cape May Court House, NJ
July 6, 2022
REGULAR MEETING
FLAG SALUTE
THIS MEETING IS BEING RECORDED:

I hereby declare that notice has been given to the Herald Times, the Atlantic City Press and posted on the bulletin board of the Middle Township Municipal Building, stating the time and place of the following meeting, as required in P.L. 1975, Chapter 231 of the State of New Jersey. (Sunshine Law).

The Township Committee met on the above date at 6:00 PM at the Middle Township Municipal Building. Members present were Mayor Donohue, Deputy Mayor Gandy, Committeemember Norris, Deputy Township Clerk Andrea Singley, Deputy Business Administrator Suzanne Schumann, Township Engineer Vince Orlando, & Municipal Solicitor Marcus Karavan

1. SWEARING IN OF PROMOTED POLICE OFFICER

Mayor Donohue:

- *Spoke of appreciation for all officers and families that came out; further spoke of appreciation for Sergeant Hagan and his family*

Chief Leusner:

- *Discussed personal history with Sergeant Hagan; explained relief of knowing Sergeant Hagan is serving Middle Township*

2. QUESTION/ANSWER PERIOD ON AGENDA *(This question-and-answer session shall relate only to items as outlined and pending on current agenda. Issues and concerns not related to agenda item shall be withheld to public comment portion at the conclusion of meeting.)*

Stan Doniger, Rio Grande:

- *Asked about item number 16*

Mayor Donohue:

- *Explained mistake made while determining budget discussed influx change of money appropriated each year*

Stan Doniger, Rio Grande:

- *Asked about tax increases*

Mayor Donohue:

- *Discussed factors determining taxes*

Stan Doniger, Rio Grande:

- *Asked about payment to summit risk, and Serv Pro on bill list*

3. RESOLUTION 301-22 – APPROVING PAYMENT FOR BILLS – BILL LIST A (GENERAL BILLS) – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that payment for the following bills in the amounts indicated are hereby approved:
Current Acct. \$4,021,948.46

4. RESOLUTION 302-22 – APPROVING MINUTES FROM PREVIOUS MEETING – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the following minutes are approved: 06/22/2022 Work Session and Regular Meetings.

5. REPORTS: Tax/Sewer Collection for the month of June; Sterback Harbor for the month of June

6. ORDINANCE NO. 1657-22 - AMENDING SECTION 208 OF THE CODE OF THE TOWNSHIP OF MIDDLE GOVERNING SHOPPING CARTS WITHIN THE TOWNSHIP – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, Ordinance No. 1657-22 passed first reading. Second reading, public hearing and consideration for adoption will be held on 08/01/2022 at 6:00 p.m.

WHEREAS, on or about May 17, 2021, the Township Committee of the Township of Middle adopted Ordinance No. 1626-21 which set forth the rules and regulations with regard to the use and containment of Shopping Carts in the Township; and

WHEREAS, the Township, having observed said rules and regulations in practice, have determined that additional monitoring and enforcement mechanism are required in order to fully fulfill the intent and purpose of the Code to prevent or reduce the accumulation of abandoned shopping carts in neighborhoods and public spaces,

BE IT ORDAINED by the TOWNSHIP COMMITTEE, the governing body of the Township of Middle that Chapter 208 of THE TOWNSHIP OF MIDDLE be and is hereby amended as follows:

SECTION 1:

§ 208-9. The following language shall be added to Paragraph “B”, Subparagraph (1) after the sentence ending in “from the business owner.”: “Cart owner shall also provide the name of the registered agent or individual authorized to accept service of process and/or the issuance of a summons for noncompliance with this chapter.”

§ 208-9. Paragraph “C” is hereby added and shall read as follows: “Every cart owner shall be required to provide an accurate and updated copy of said containment plan to the Township Clerk.”

§ 208-13(b). Is hereby repealed and replaced in its entirety as follows: “In the event that the cart(s) is not retrieved within three (3) business days of notification of impoundment, the owner shall be subject to a fine of \$50 for each occurrence for failure to retrieve shopping carts. An occurrence includes all shopping carts impounded in accordance with this Chapter during a 24-hour period. Failure to retrieve the cart(s) within the time period set forth below in § 208-14 shall result in disposal or sale as provided for herein. All accrued fines shall be due and owing despite such disposal or sale.”

§208-13. Paragraph “C” is hereby added and shall read as follows: “The failure of a cart owner to provide the Township with accurate, up-to-date copies of its containment plan and/or internal protocols as mandated by this chapter, shall result in a fine of \$250. Each week that said cart owner fails to provide the Township with said containment plan and/or internal protocols shall be treated as a separate and continuing violation.”

§208-14. Is hereby amended to read as follows: If the owner, retailer or authorized user does not retrieve the shopping cart within 5 business days of receiving notice, the Township of Middle may sell or dispose of the shopping cart as it sees fit.

SECTION 2: Any other Ordinances in conflict or inconsistent with this Ordinance are hereby repealed, to the extent of such conflict or inconsistency.

SECTION 3: Should any section, paragraph, sentence or clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this Ordinance shall not be affected thereby and shall remain in full force and effect and to this end the provisions of this Ordinance are hereby declared to be severable.

SECTION 4: This Ordinance shall become effective immediately upon final passage and publication, according to law.

7. RESOLUTION 303-22 – APPOINTMENTS – NEW HIRES – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted. NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey, that the following employees are hereby appointed to the following position at the salaries opposite their names:

NAME	DEPARTMENT	TITLE	SALARY	EFFECTIVE
Michael Spiritoso	Public Works	Laborer 1 F/T T/A (6 months)	\$15.00 per hour	07/11/2022
Ryan Ibbeston	Public Works	Laborer 1 F/T Permanent	\$35,000.00	07/06/2022

8. RESOLUTION 304-22 – ACKNOWLEDGEMENT OF RESIGNATION – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted. BE IT RESOLVED, by the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey, that the following resignations listed below, are acknowledged.

NAME	DEPARTMENT/BOARD	POSITION	EFFECTIVE
Kevin Robson	Public Works	Laborer 1 FT	07/06/2022
Andrew Eskander	Public Safety – Police Department	Special Class II Police Officer	06/15/2022
Guglielmo Ficco	Public Works	Laborer 1 TA	06/30/2022

9. RESOLUTION 305-22 – APPROVAL FOR TERMINAL LEAVE – SEAN MCDEVITT – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, Sean McDevitt retired with an effective date of July 1, 2022; and

WHEREAS, it is the policy of Middle Township to compensate retiring employees for accumulated vacation, compensation, sick and personal time; and

WHEREAS, the Human Resources Department has provided sufficient documentation verifying the amount of time accumulated and the Finance Officer has certified that time; and

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee, the Governing Body of the Township of Middle, County of Cape May, State of New Jersey that payment be issued to the employee in the amount referenced below:

Sean McDevitt
 Personal Hours: -5.50
 Sick Hours: 1,678.84
 Vacation Hours: 91.67
 EMS Holiday: 6.52
 \$56,212.01

10. RESOLUTION 306-22 – AUTHORIZING CREATION OF LIEN OF PROPERTY – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, N.J.S.A. 40:48-2.13 authorizes the governing body of every municipality the power to make, enforce, amend and repeal ordinances requiring the owner or tenant of a dwelling or of lands lying within the municipality to provide for the removal or destruction of brush, weeds, debris, etc. constituting fire hazard or injurious to public health or safety and to provide for the imposition of penalties for the violation of any such ordinance; and

WHEREAS, N.J.S.A. 40:48-2.14 authorizes the municipality the right to place a lien against such dwelling or lands to provide for the cost of removing brush, weeds, debris, etc.; and
 WHEREAS, the Township of Middle has adopted Ordinance No. 316-76 known as Article I of Chapter 193 of the Code of the Township of Middle "Property Maintenance;" and
 WHEREAS, the Township of Middle has noticed the following property owners as indicated below and furthermore these violations had not been remedied; and
 WHEREAS, in absence of compliance by said owners, the Township of Middle commenced and completed abatement of these violations; and
 WHEREAS, the Code Enforcement Officer of the Township of Middle has certified the following cost as listed.
 NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that it hereby imposes a lien on the properties listed below as indicated.
 FURTHER RESOLVED, that a copy of this lien shall be filed in the Office of the Tax Collector of the Township of Middle.

OWNER	PROPERTY LOCATION	BLOCK // LOT	AMOUNT
Newkirk, Henry S Etal	454 Shunpike	325 // 22	\$443.74
Friel, Norma A	1459 Burleigh Ave	1410.01 // 55	\$512.24
J Norris LLC	380 Route 47 S	472 // 1	\$493.92
Mills, Shelly J	665 Dias Creek Road	164.02 // 12	\$896.24

11. RESOLUTION 307-22 – TAX SALE CERTIFICATE PREMIUM – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.
 WHEREAS, N.J.S.A. 54:5-33 13 requires that premiums for liens that are not redeemed in five years escheat to the Municipality, or is foreclosed by the lien investor and becomes a part of the foreclosure.
 WHEREAS, if redemption is not made within five years from date of sale the premium payment shall be turned over to the treasurer of the municipality and become a part of the funds of the municipality.
 NOW THEREFORE BE IT RESOLVED, by the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey that the following tax sale certificate is now eligible to be turned over to the Chief Financial Officer in accordance with the above:

Account	Block/Lot	Certificate#	Date of Tax Sale	Amount
4526	228/14	2016-8560	12/14/2016	\$3,000.00

BE IT FURTHER RESOLVED, that a check in the amount of \$3,000.00 be accepted by the Chief Financial Officer from the Collector's lien redemption account
 FURTHER RESOLVED, that a certified copy of this resolution be given to the Chief Financial Officer of the Township of Middle upon adoption.

12. RESOLUTION 308-22 – RELEASE OF TRUST ACCOUNTS – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.
 WHEREAS, certain monies held in Trust Accounts from time to time may have balances remaining after all fees have been paid; and
 WHEREAS, the applicants are entitled to a refund of this money.
 NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that upon request of the Zoning Officer the following balances in the Trust Accounts, as listed on the attached sheets, shall be released.

13. RESOLUTION 309-22 – APPOINTING MEMBERS TO THE MIDDLE TOWNSHIP REDEVELOPMENT COMMITTEE – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.
 WHEREAS, the Middle Township Committee adopted Ordinance No. 1651-22 which established a process for obtaining local support for suitability of cannabis businesses; and
 WHEREAS, said Ordinance outlines the process required for applicants to submit applications requesting local support; and
 WHEREAS, it has been determined by Township Committee of the Township of Middle that it is in the best interest of the Township to establish a Redevelopment Committee as outlined in said Ordinance.
 NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey that the following individuals are hereby appointed to the Middle Township Redevelopment Committee:

NAME	TERM	TERM EXPIRES
Member of the Governing Body – Theron "Ike" Gandy	1 yr	12/31/2022
Administrator	1 yr	12/31/2022
Zoning Officer	1 yr	12/31/2022
Chief of Police or his/her designee	1 yr	12/31/2022
Attorney – James Maley	1 yr	12/31/2022

14. RESOLUTION 310-22 – PUBLIC SALE OF LAND – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.
 WHEREAS, the Local Lands and Buildings Law (N.J.S.40A-12-1 et seq) authorizes the sale of any real property, capital improvements or interest herein, not needed for public use, and
 WHEREAS, it appears to be in the best interest of the Township of Middle to dispose of certain real property which is not needed for public use, which property is more fully described as in Schedule "A" annexed hereto,
 NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middle, the governing body thereof, as follows:

1. It is hereby determined that the parcels of real property set forth in Schedule "A" annexed hereto are not needed for public use. Minimum bids are contained on Schedule "A".
2. Said parcels of real property shall be sold pursuant to N.J.S.A. 40A:12-13(a) by open public sale at auction to the highest bidder, said open public sale at auction to be conducted by the Chief Financial Officer, at the Middle Township Hall, Meeting Room, 33 Mechanic Street, Cape May Court House, New Jersey, or her designee, on September 14, 2022 at 10:00AM
3. A notice of said open public sale at auction shall be advertised by two insertions at least once a week during two consecutive weeks, the last publication to be not earlier than seven days prior to the open public sale at auction, which advertisement shall include the entire contents of this Resolution. Said advertisement shall be published in the Herald Times.
4. The Township reserves the right to reject all bids where the highest is not accepted.
5. The terms and conditions of the sale shall be as stated in the General Rules of Land Sales and the attached Contract for Sale of Real Estate, which documents and terms are attached hereto and incorporated herein.

EXHIBIT A			
LOCATION	BLOCK / LOT (LEAD LOT)	ADDIT. LOTS	MINIMUM BID AMOUNT
755 Goshen Road (28.62)	52/21	Lot 22,18	\$80,000
3 Leslie Ave	64/3		\$16,300
21 Oak View Rd	167.04/1		\$18,700
202 E Atlantic Ave	264/1		\$13,100
800 Spaulding St	553/1	552/1	\$26,900
1306 Fulton Street	702/6	Lots 7,8	\$37,300
302 & 308 Gibbs St	886/1.01	Lot 1.02	\$35,100
510 Reeves St	899/9		\$80,600
515 Langston St	908/1.01		\$3,400
W Lena St	931/1		\$12,300
W Lena St	931/3		\$6,100
W Dunbar St	934/3	Lots 4,5,7,8	\$7,100
114 W Main Street	935/13	Lot 14	\$117,300
210 S George St	944/10	Lots 11,12	\$80,400
Sulloyway St	955/12		\$5,600
Reeves St	965/2		\$7,500
Washington St	968/4	Lots 3,5	\$24,700
14 E Wiley St	1031/12	Lot 11	\$100,300
21 E Wiley St	1041/7		\$10,100
E Anna St	1042/6		\$4,000
104 E Anna St	1042/9		\$10,100
5 W Anna St	1047/1		\$12,000
57 Cochran St	1058/20		\$1,900
Virginia Avenue	1071/6	5	\$14,500
Wildwood Ave	1086/3	Lots 1,2	\$13,900

15. RESOLUTION 311-22 – AUTHORIZING ACCEPTANCE OF CASH BOND – KULL AUTO SALES, INC – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.
WHEREAS, Kull Auto Sales, Inc. has received certain approvals for the property located at 100 Avalon Boulevard to include landscape buffering, and
WHEREAS, the developer is about to or has commended development of the project together with the related improvement and has chosen to post a cash bond for the same.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the cash bond in the amount of \$54,248.40, is hereby accepted. FURTHER BE IT RESOLVED, that the appropriate officials are hereby authorized to sign any and all documents in connection therewith.

16. RESOLUTION 312-22 – EMERGENCY APPROPRIATION – DISPATCH SERVICES – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, an emergency has arisen with respect to the payment for Shared Services between the Township of Middle and the County of Cape May for Dispatch Services and, no adequate provision was made in the 2022 budget for the aforesaid purpose, and NJSA 40A:4-46 provides for the creation on an emergency appropriation for the purpose mentioned above, and

WHEREAS, the total amount of the emergency appropriations created, including the appropriation to be created by this resolution is \$345,000.00 and three (3) percent of the total operating appropriations in the budget for 2021 is \$690,076.34 and

WHEREAS, the foregoing appropriation together with prior appropriations does not exceed three (3) percent of the total operating appropriations (including utility operation appropriations) in the budget for 2022,

NOW, THEREFORE, BE IT RESOLVED, (by not less than 2/3 of all governing body members affirmatively concurring) that in accordance with NJSA 40A:4-48:

1. An emergency appropriation is hereby made for POLICE DISPATCH TO OTHER EXPENSES in the amount of \$345,00.00
2. That said emergency appropriation shall be provided for in full in the 2023 budget, and is requested to be excluded from CAPS, pursuant to NJSA 40A:4-53.3c(1)
3. That two (2) certified copies of this resolution be filed with the Director of the Division of Local Government Services

17. RESOLUTION 313-12 – AWARD CONTRACT AND RATIFY AGREEMENT THROUGH NON-FAIR AND OPEN PROCESS – GOVPILOT – GOVERNMENT MANAGEMENT SOFTWARE – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the Agreement between GovPilot and the Township of Middle for government management software, be and is hereby ratified and the contract is hereby awarded through the Non-Fair and Open Process as described in Pay-To-Play Statutes.

FURTHER RESOLVED, that the appropriate officials are hereby authorized and directed to sign said agreement.

GovPilot
3 Year Contract
Not to Exceed \$12,000.00 Annually

18. ENGINEERING REPORT:

Vince Orlando:

- *Reviewed report presented to Committee:*



Township of Middle
Project Status Report
July 6, 2022

Prepared By: Vincent C. Orlando, P.E., P.P., L.L.A.

2021 Drainage Projects

- Construction started on December 6, 2021
- All work completed with exception of the following.
 - Pamela Rd. – Re-construct asphalt gutter line to improve drainage of gutter at Second Ave. (Completed but not accepted. Holding water)

Norbury Landing Project

- Survey work completed
- Cape May County open space board approved additional funding of \$230,256.00 for creative place making amenities
- CAFRA plan approved by NJDEP
- NJDEP permit requires no construction from April 1st through August 31st
- Construction drawings underway
- Project to be bid in August
- Construction to begin October 2022

3rd Ave & Walsh- Reconstruction & Construction of New Roadway

- NJDOT grant received October 2021
- Survey work completed by DeBlasio Associates
- Construction plans and specifications (100% Complete)
- NJDOT approval pending
- Construction to begin August/September 2022

Hand Avenue Sidewalk (Phase II) North Side between Hamman Avenue and Boyd Street

- NJDOT grant received for \$150,000
- Survey work order completed
- Construction plans and specifications by July 15, 2022
- NJDOT Approval by August 15, 2022
- Construction to begin by October 1, 2022

Cambridge Professional Offices
5 Cambridge Drive, Ocean View, New Jersey 08230
PHONE: (609) 360-0332 • FAX: (609) 360-9204

Project Status Report
July 6, 2022

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Magnolia Avenue

- NJDOT Grant received 04/25/2022 for \$300,000.00
- Project consists of repaving from Magnolia Avenue to entrance drive into Acme Shopping Center
- Construction drawing and specifications currently being developed
- Anticipated construction start – October 2022

Municipal DCA Grant to Reconstruct Existing Restrooms at Municipal Building

- Grant received for \$144,000.00
- Contracted with William McLees, RA to complete drawings
- Current schedule:
 - Site investigation – completed
 - Construction drawings and specifications – August 15, 2022
 - Bid project – September 2022
 - Construction – October 2022

2022 Road Improvement Project

- Survey work completed
- Construction drawings and specifications by July 25th
- Tentative schedule:
 - Receive bids August 10, 2022
 - Start construction September 10, 2022

FINAL/MIDDLE/GENERAL/PROJSTATUS/07-06-22

19. PUBLIC COMMENT:

Sam Kelly:

- *Read prepared statement into the record regarding Stone Harbor Golf Club Residential Community regarding drainage concerns.*

Vince Orlando:

- *Discussed sewer and drainage plans for the constructed residential neighborhood; continued to discuss maintenance*

Sam Kelly:

- *Continued to discuss concerns for drainage*

Vince Orlando:

- *Continued to explain drainage for the neighborhood*

Sam Kelly:

- *Asked about pipes in his development*

Vince Orlando:

- *Discussed pipes and drainage directions for the neighborhood*

Sam Kelly:

- *Stated he would sit down with Vince Orlando to further discuss concerns*

COMMITTEE COMMENTS:

Committeeman Norris:

- *Spoke of cancellation of first concert due to weather; spoke of next scheduled concert*
- *Discussed success of the 4th of July Event; thanked everyone involved in the event*
- *Commented on the recreation basketball summer league*
- *Spoke of the upcoming softball tournament*
- *Discussed upcoming summer sports*
- *Thanked Deputy Clerk Andrea Singley for all her work for the Township*

Committeeman Gandy:

- *Thanked Andrea for everything she has done*
- *Mentioned that item 10 on the agenda was not Committeeman Norris*
- *Spoke of success of 4th of July event*
- *Commented on the summer concert series*

Mayor Donohue:

- *Discussed great 4th of July event*
- *Commented on the great job done by the recreation team this year*
- *Stated Middle Township has a great team; discussed the leaving of Deputy Clerk Andrea Singley; spoke of having 4 registered Municipal Clerks in one office; stated he was sad to lose Andrea but thanked her for all her work for Middle Township*

Motion to adjourn meeting – 6:30 pm

1st: Committeeman Gandy 2nd: Committeeman Norris

Pass on Roll Call: Committeeman Gandy, Committeeman Norris, Mayor Donohue

Kimberly D. Osmundsen, Township Clerk

Minutes prepared by E. Bartleson